IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MALIBU MEDIA, LLC,	§	
Plaintiff,	& & & & & & & & & & & & & & & & & & &	5-19-CV-00834-DAE
VS.	8	
JOHN DOE, INFRINGER USING IP ADDRESS 70.121.72.191;	&n &n &n	
Defendant.	& & &	
	ORDER	

Before the Court are (1) Plaintiff Malibu Media, LLC's Motion to Extend Deadline to Revive Corporate Status, Dkt. No. 87, and (2) Defendant John Doe's Renewed Motion to Modify the Scheduling Order and Leave to File First Amended Answer, Second Amended Counterclaims, and to Join a Counter Defendant, Dkt. No. 88. The Motions were referred for disposition pursuant to Rules CV-72 and 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. *See* Jul. 7, 2021 text orders. On July 23, 2021, the Court held a hearing on the Motions at which all parties appeared through counsel of record. For the reasons stated on the record at the July 23 hearing, **IT IS ORDERED THAT**:

Malibu's Motion to Extend, Dkt. No. 87 is **GRANTED IN PART AND DENIED IN PART.** Plaintiff Malibu shall have **30 days** from the date of this Order to cure the defect in its corporate status. If Malibu fails to cure the defect within that time period, no further extensions will be permitted, absent a significant evidentiary showing of diligence and necessity.

Doe's Motion to Amend, Dkt. No. 88, is **GRANTED IN PART, DENIED IN PART, AND DISMISSED IN PART AS MOOT**. Doe may amend his complaint to assert an affirmative defense of lack of capacity. All other relief requested is denied.

IT IS SO ORDERED.

SIGNED this 26th day of July, 2021.

RICHARD B. FARRER

UNITED STATES MAGISTRATE JUDGE